

GARY SMITH SR.,)
)
Plaintiff,)
)
vs.) No. 4:07CV1038 ERW
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

This matter is before the Court on its own motion. Plaintiff has failed to comply with the Court's order dated **June 26, 2007**, in which the Court ordered plaintiff to file an unredacted copy of the decision of the Appeals Council. Plaintiff has not filed an unredacted copy of the decision of the Appeals Council; nor has he shown good cause for his failure to comply with the Court's order. As a result, this case shall be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with a Court order.

Additionally, the Court will certify that an appeal of this Order would not be taken in good faith because the Court has given plaintiff several opportunities to establish that this Court has jurisdiction to hear his case, and plaintiff has consistently failed to do so.

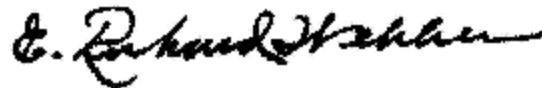
Accordingly,

IT IS HEREBY ORDERED, that plaintiff's complaint against defendant **Michael J. Astrue** is **DISMISSED**, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel is **DENIED** as moot.

An appropriate Order of Dismissal shall accompany this Order.

So Ordered this 10th Day of July, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE